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6 Attorneys for Defendant  
VEOLIA WATER NORTH AMERICA  
7 OPERATING SERVICES, LLC

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

10  
11 SAN FRANCISCO BAYKEEPER, a non-  
profit corporation,

12 Plaintiff,

13 v.

14 CITY OF BURLINGAME, a municipal  
15 corporation; VEOLIA WATER NORTH  
AMERICA OPERATING SERVICES, a  
16 limited liability corporation,

17 Defendants.

Case No. CV-08-895 CW

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME TO  
RESPOND TO COMPLAINT AND  
DISCOVERY DEADLINES**

18 **STIPULATION**

19  
20 IT IS HEREBY STIPULATED, by and among Plaintiff San Francisco Baykeeper  
21 ("Plaintiff"), Defendant City of Burlingame ("City"), and Defendant Veolia Water North America  
22 Operating Services, LLC ("Veolia") (collectively the "Parties") as follows:

23 WHEREAS, the Parties have reached a complete settlement, as documented in the Notice  
24 of Tentative Settlement and proposed Consent Decree filed with the Court on August 20, 2008;

25 WHEREAS, as required by the federal Clean Water Act, counsel for Plaintiff has sent the  
26 proposed Consent Decree to the U.S. Environmental Protection Agency and the U.S. Department  
27 of Justice for the mandatory 45-day review period;  
28

WHEREAS, once the statutory review period is complete, the Parties will request that the Court enter the Consent Decree;

WHEREAS, since this settlement has been reached, the Parties seek to avoid unnecessary litigation time and expense for both the Parties and the Court; and

WHEREAS, the Parties have agreed to request that the Court extend each of the immediate upcoming litigation milestones and deadlines for a 60-day period to allow for completion of the statutory notice period and the Court's subsequent review of the proposed Consent Decree.

THEREFORE, subject to the approval of the Court, the Parties hereby stipulate and agree as follows:

1. Defendants City and Veolia shall have a further extension of time until October 31, 2008 to answer or otherwise respond to the Complaint in this case; and

2. The following discovery deadlines shall each be extended for sixty days as indicated herein:

<u>Discovery Event</u>	<u>Current Deadline</u>	<u>Extended Deadline</u>
Completion of Fact Discovery	October 31, 2008	December 30, 2008
Disclosure of identities of expert witnesses	November 14, 2008	January 13, 2009
Disclosure of reports of expert witnesses	December 12, 2008	February 10, 2009
Rebuttal Reports	January 23, 2009	March 24, 2009
Completion of Expert Discovery	March 27, 2009	May 26, 2009

IT IS SO STIPULATED.

Dated: August 25, 2008

LAWYERS FOR CLEAN WATER

By: /s/ Daniel Cooper  
 Daniel Cooper  
 Attorneys for Plaintiff  
 SAN FRANCISCO BAYKEEPER

1 Dated: August 25, 2008

MEYERS, NAVE, RIBACK, SILVER &  
WILSON

3 By: /s/ Kenton L. Alm

4 Kenton L. Alm

5 Attorneys for Defendant  
CITY OF BURLINGAME

6 Dated: August 25, 2008

FARELLA BRAUN + MARTEL LLP

8 By: /s/ Ruth Ann Castro

9 Ruth Ann Castro

10 Attorneys for Defendant  
VEOLIA WATER NORTH AMERICA  
OPERATING SERVICES, LLC

13 **ORDER**

14 PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING THEREFORE,  
15 IT IS HEREBY ORDERED that:

- 16 1. The time for Defendants City of Burlingame and Veolia Water North America  
17 Operating Services, LLC to respond to Plaintiff's Complaint is extended to October 31, 2008; and  
18 2. The following discovery deadlines are hereby extended as follows:

20 Completion of Fact Discovery	December 30, 2008
21 Disclosure of identities of expert witnesses	January 13, 2009
22 Disclosure of reports of expert witnesses	February 10, 2009
23 Rebuttal Reports	March 24, 2009
24 Completion of Expert Discovery	May 26, 2009

25 DATED:

26 Claudia Wilken  
27 United States District Judge